IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

FRIDAY, THE 14TH SEPTEMBER 2007 / 23RD BHADRA 1929

Tr.P(C).No. 42 of 2007

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PETITIONERS

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1. N.RAJENDRAN, S/O. NADARAJAN,
   RAJ BHAVAN, VAMANAPURAM P.O., KARETTU,
   THIRUVANANTHAPURAM.

2. S.A.USHA, W/O. RAJENDRAN,
   RAJ BHAVAN, VAMANAPURAM P.O.,
   KARETTU, THIRUVANANTHAPURAM.

BY ADV. SRI.J.JAYAKUMAR

RESPONDENT:

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A.THOMAS, S/O. ABRAHAM THOMAS,
VALIYATHU VEEDU, ARUKALIKKAL KIZHAKKU,
EZHAMKULAM VILLAGE, ADOOR TALUK.

BY ADV. SRI.LATHEESH SEBASTIAN

THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**HARUN-UL-RASHID, J.**

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**Tr.P.(C) No.42 of 2007**

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**Dated: September 14, 2007**

**ORDER**

The petitioners in this transfer petition are the defendants in O.S.No.151/2006 on the file of the Sub Court, Pathanamthitta and O.S.No.138/2006 pending before the Sub Court, Attingal. Both suits are filed by the respondent for realisation of money against the petitioners herein. The parties to both cases are one and the same. Annexures A7 and A8 are the copy of the complaints in the above said suits. Going by the pleadings in the said complaints, it can be seen that the two suits arise from a single transaction of agreement for sale of the property which is situated within the jurisdiction of the Sub Court, Attingal. In the circumstances, prosecution of two suits of similar nature in two courts is sure to cause severe hardship to the parties to the suit.

Therefore, the relief sought for in the transfer petition is just and in the interests of justice I order transfer of O.S.151/2006 pending before the Sub Court, Pathanamthitta to the Sub Court, Attingal to be tried and disposed of along with O.S.138/2006 on the file of the Sub Court, Attingal. Ordered accordingly.

**HARUN-UL-RASHID**
**JUDGE**

mt/-